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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-00798 YGR
)	
)	STIPULATION AND PROPOSED
)	PROTECTIVE ORDER
v.)	
)	
MICHAEL SINGLETARY,)	OAKLAND VENUE
)	
Defendant.)	
)	
)	
)	
)	

With the agreement of the parties, and with the consent of defendant, the Court enters the following Order:

Defendant is charged with being a felon-in-possession of a firearm and ammunition and with obstruction of justice. Pursuant to defendant's request, the United States will produce electronic and hard copy information regarding defendant's obstruction of justice (hereinafter "INFORMATION") to defense counsel, in lieu of making it available for review only, pursuant to the following restrictions:

PROTECTIVE ORDER
CR-12-00798 YGR

1 1. The United States will designate the INFORMATION as confidential and shall
2 produce such discovery with the following notation: "WARNING: CONTENTS SUBJECT TO
3 PROTECTIVE ORDER. UNAUTHORIZED COPYING OR VIEWING IS SUBJECT TO
4 PUNISHMENT AS CONTEMPT OF COURT."

5 2. Except when being actively examined for the purpose of the preparation of the
6 defense of defendant, the INFORMATION shall be maintained in a safe and secure place in
7 defense counsel's office, which is accessible only to defense counsel, members of his or her law
8 firm who are working with him or her to prepare defendant's defense, and his or her
9 investigator(s). Defense counsel, members of his or her law firm, defendant, and the
10 investigator(s) shall not permit any person access of any kind to the INFORMATION except as
11 set forth below.

12 3. The following individuals may examine the INFORMATION for the sole purpose
13 of preparing the defense of defendant and for no other purpose:

- 14 a) Counsel for defendant;
- 15 b) Members of defense counsel's law office who are assisting with the
16 preparation of defendant's defense;
- 17 c) Defendant, but only in the presence of defense counsel or another
18 authorized person listed in this paragraph, (defendant may not take or
19 maintain the INFORMATION or copies thereof);
- 20 d) Investigators and experts retained by defendant to assist in the defense of
21 this matter.

22 If defense counsel determines that additional persons are needed to review the INFORMATION,
23 he or she must obtain a further order of the Court before allowing any other individual to review
24 the materials.

25 4. A copy of this Order shall be maintained with the INFORMATION at all times.

26 5. All individuals, other than defense counsel (and employees of his/her office) and
27 defendant, who receive access to the INFORMATION, prior to receiving access to the materials,
28 shall sign a copy of this Order acknowledging that:

- a) they have reviewed the Order;
- b) they understand its contents;
- c) they agree that they will only access the INFORMATION for the purposes of preparing a defense for defendant;
- d) they understand that failure to abide by this Order may result in sanctions by this Court.

Counsel for defendant shall either (1) send signed copies of the Order to counsel for the United States or (2) file signed copies of the Order, *ex parte* and under seal. The United States shall have no access to the signed copies filed under seal without further order of the Court.

6. No other person may be allowed to examine the INFORMATION without further order of the Court. Examination of the INFORMATION shall be done in a secure environment which will not expose the materials to other individuals not listed above.

7. The INFORMATION may be duplicated to the extent necessary to prepare the defense of this matter. Any duplicates will be treated as originals in accordance with this Order.

8. If the INFORMATION is attached to any pleadings, the filing party shall seek permission to file the INFORMATION under seal pursuant to Criminal Local Rule 55-1(b).

9. The United States shall request that the defense team return the INFORMATION (and any duplicate copies of the same) to the United States fourteen calendar days after any one of the following events, whichever occurs latest in time: dismissal of all charges against defendant; defendant's acquittal by court or jury; or the conclusion of any direct appeal. The defense team shall comply with the United States' request.

10. After the conclusion of proceedings in the district court or any direct appeal in the above-captioned case, the United States will maintain a copy of the INFORMATION. The United States will maintain the INFORMATION until the time period for filing a motion pursuant to 28 U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has expired, the United States may destroy the INFORMATION. In the event defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will

1 provide that counsel with a copy of the INFORMATION under the same restrictions as trial and
2 direct appeal defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall
3 return the same materials fourteen calendar days after the district court's ruling on the motion or
4 fourteen calendar days after the conclusion of any direct appeal of the district court's denial of
5 the motion, whichever is later.

6
7 STIPULATED:

8
9 DATED: May 8, 2013

/s/

EDWARD A. SMOCK
Attorney for Defendant

10
11
12 DATED: May 8, 2013

MELINDA HAAG
United States Attorney

13
14 /s/

15 JAMES C. MANN
Assistant United States Attorney

16 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted
17 as set forth above. Paragraph 8 has been modified by the court.

18
19 DATED: May 9, 2013



HONORABLE DONNA M. RYU
United States Magistrate Judge